

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

HECTOR MORGAN	:	
	:	C.A. No.
v.	:	
DAVID A. MARSH and WAYNE STORAGE CO.	:	
T/A WAYNE MOVING & STORAGE	:	
COMPANY, INC.	:	

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE:

Defendants, David A. Marsh and Wayne Storage Co. t/a Wayne Moving and Storage
Company, Inc., by and through their attorneys, Rawle and Henderson, LLP, respectfully aver as
follows:

1. Plaintiff has commenced a civil action against defendants in the Superior Court of
Delaware in and for New Castle County. The Complaint, being the original process in this case,
was first received by defendant, Wayne Moving & Storage Co., no earlier than October 25, 2007,
2007. (*See attached letter as Exhibit "B"*)

2. Accordingly, this Notice of Removal was timely filed within thirty (30) days of
receipt of the information indicating that the jurisdictional amount may be satisfied pursuant to
28 U.S.C. §1446 (b).

3. In the Complaint, Plaintiff alleged that as a result of the motor vehicle accident at
issue in this lawsuit, he" sustained permanent, serious personal injuries, including pain and
suffering as well as mental and emotional injuries. " *See Exhibit A ¶10.*

4. In addition, in the Complaint Plaintiff alleged that Hector Morgan has "incurred
substantial medical expenses in the past which will continue in the future. *See Exhibit A ¶11.*

5. In addition, in the Complaint Plaintiff alleged that Hector Morgan has "sustained
a loss of earnings and loss of earning capacity. *See Exhibit A ¶12.*

6. Based upon a fair reading of the Complaint, plaintiff has set forth a claim in which an amount in excess of the jurisdictional limit of \$75,000, exclusive of interest and costs, may be at stake. In addition, plaintiff has certified that the value of the matter is in excess of \$100,000. *See Certificate of Value attached as Exhibit C.*

7. Defendant, Wayne Storage Co. at all material times, was and is a corporation incorporated under the laws of the Commonwealth of Pennsylvania with its principal place of business located in West Chester, Pennsylvania. *See Exhibit A.*

8. Defendant, David A. Marsh, at all material times was and is a resident of the Commonwealth of Pennsylvania. *See Exhibit A.*

9. At all material times hereto, based upon information and belief, plaintiff is and was a citizen of Delaware. *See Exhibit A.*

10. Diversity of citizenship within the meaning of 28 U.S.C. §1332, exists between plaintiffs and defendants since:

- (a) plaintiff is a citizen and resident of the State of Delaware; and
- (b) defendants are not a citizens or residents of the State of Delaware.

11. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice, such that defendants are entitled to removal pursuant to 28 U.S.C. §1441 as amended, and 28 U.S.C. §1446.

12. As of the date of this removal, service on defendant, David A. Marsh has yet to be effectuated. However, the undersigned counsel also represents Defendant, David A. Marsh and he has consented to the removal of this action.

WHEREFORE, defendants, David A. Marsh and Wayne Storage Co. t/a Wayne Moving and Storage Company, Inc. pray that the above-captioned action now pending in the Superior

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Court of Delaware in and for New Castle County, be removed there from to this Honorable Court.

RAWLE & HENDERSON LLP

By: 

Delia A. Clark (DAC #3337)

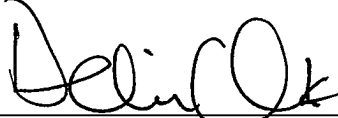
Attorneys for Defendants, David A. Marsh
and Wayne Moving & Storage Company, Inc.
300 Delaware Avenue, Ste. 1015
Wilmington, DE 19801
(302) 778-1200

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the within-captioned Notice of Removal Pursuant to 28 U.S.C. §1446(d) was served via first-class mail, postage prepaid, on counsel for plaintiff listed below:

John F. Gangi
Gangi & Pritzkur
712 West Street
Wilmington, DE 19801

RAWLE & HENDERSON LLP



Delia A. Clark

Dated: November 8, 2007